

**MINUTES/DECISIONS OF THE PLANNING BOARD
MEETING DATE: APRIL 24, 2019**

In attendance = X; Alternates Seated = S; Partial Attendance = P; Excused Absence = E

Timothy Malley Chairman <u> E </u>	Jordan Ulery Vice-Chair <u> X </u>	William Collins Secretary <u> X </u>	Charlie Brackett Member <u> X </u>
Dillon Dumont Member <u> X </u>	Ed Van der Veen Member <u> X </u>	Elliott Veloso Alternate <u> S </u>	
Roger Coutu Select. Rep. <u> X </u>	Marilyn McGrath Alt. Select. Rep. <u> X </u>	Brian Groth Town Rep. <u> X </u>	Elvis Dhima Town Engineer <u> X </u>

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- I. CALL TO ORDER BY CHAIRPERSON AT 7:00 P.M.
 - II. PLEDGE OF ALLEGIANCE
 - III. ROLL CALL

Mr. Ulery chaired the meeting.
 - IV. SEATING OF ALTERNATES

Mr. Veloso seated for Mr. Malley as a Member.
 - V. MINUTES OF PREVIOUS MEETING(S)
 - 27 March 19 Meeting Minutes – Decisions.

Mr. Coutu moved to approve the 27 March 19 Meeting Minutes (as written/amended).

Motion seconded by Mr. Brackett. All in favor - Motion carried.
 - VI. CASES REQUESTED FOR DEFERRAL
 - VII. CORRESPONDENCE
 - A. Request to release Corridor Impact Funds in the amount of \$9,800 from Impact Fee Account 2070-000-701, Corridor – Zone 1 Traffic Improvements by Town Engineer Elvis Dhima, P.E. for the Lowell Road/Birch Street

Improvement Project, Lowell Road bridge rehab/replacement and relocation of an existing culvert under T-Bones restaurant. The amount of \$9,800 will be used to cover the cost of developing a set of conceptual plans and cost estimates associated with the project.

Mr. Collins asked if County Road would be considered for continued use as a way for traffic to exit Lowell Road. He stated that using County Road as an off ramp would help with traffic management at an improved Lowell Road and Birch Street intersection. Mr. Dhima stated that VHB would be developing conceptual plans pertaining to improvements at the intersections and that County Road would be considered during the evaluation process.

Mr. Veloso moved to recommend to the Board of Selectmen the release of \$9,800 from Impact Fee Account 2070-000-701, Corridor – Zone 1 Traffic Improvements for Lowell Road and Birch Street Intersection Project in accordance with the written request for same from the Town Engineer (please see attached memo from Town Engineer, Elvis Dhima, and dated 08 April 2019).

Motion seconded by Mr. Coutu. All in favor – Motion carried.

- B. Request to release Corridor Impact Funds in the amount of \$32,750.00 from Impact Fee Account 2070-000-701, Corridor – Zone 1 Traffic Improvements and \$33,864.00 from Impact Fee Account 2070-000-086, Corridor – Route 111 Improvements for traffic control improvements at the Central Street and Library Street intersection and the Central Street and Burnham Street Intersection respectively, by Town Engineer Elvis Dhima, P.E. (price quote from Electric Light Company for such improvements)

Mr. Coutu moved to recommend to the Board of Selectmen the release of \$32,752.00 from Impact Fee Account 2070-000-701, Corridor – Zone 1 Traffic Improvements for Central Street and Library Street Intersection Upgrade Project in accordance with the written request for same from the Town Engineer (please see attached memo from Town Engineer, Elvis Dhima, and dated 05 April 2019).

Motion seconded by Mr. Dumont. All in favor – Motion carried.

Mr. Veloso moved to recommend to the Board of Selectmen the release of \$33,864.00 from Impact Fee Account 2070-000-086, Corridor – Route 111 Improvements for Central Street and Burnham Street Intersection Upgrade Project in accordance with the written request for same from the Town Engineer (please see attached memo from Town Engineer, Elvis Dhima, and dated 05 April 2019).

Motion seconded by Mr. Brackett. All in favor – Motion carried.

- C. Request to release Corridor Impact Funds totaling \$33,964.00 by Town Engineer Elvis Dhima, P.E. for the Traffic Controller Software Licenses for the following traffic lights. 1) Pelham/Lowell Rd. 2) Fox Hollow/Lowell Rd 3) Abbott Farm/Rt.102 4) Central St. / Lowell Rd. 5) Elm St. / Rt. 102 6) Central / Burnham St. 7) Central / Library St.

Mr. Van der Veen asked if the expenses for licenses would be reoccurring annually or were they a onetime fee paid to obtain the licenses out right. Mr. Dhima explained that it was a onetime fee to be paid to Electric Light Company.

Mr. Ulery asked if there would a charge for updates to the system. Mr. Dhima replied no and stated that updates would be part of patches for the software and included as part of the fees paid for the licenses.

Mr. Veloso moved to recommend to the Board of Selectmen the release of \$9,704.00 from Impact Fee Account 2070-000-091, Corridor – Route 102 Improvements for the Abbott Farm/Rt. 102 and Elm/Rt.102 licenses in accordance with the written request for same from the Town Engineer (please see attached memo from Town Engineer, Elvis Dhima, and dated 05 April 2019).

Motion seconded by Mr. Dumont. All in favor – Motion carried.

Mr. Veloso moved to recommend to the Board of Selectmen the release of \$9,704.00 from Impact Fee Account 2070-000-090, Corridor – Lowell Road Improvements for the Pelham/Lowell Road and Fox Hollow/Lowell Road licenses in accordance with the written request for same from the Town Engineer (please see attached memo from Town Engineer, Elvis Dhima, and dated 05April 2019).

Motion seconded by Mr. Coutu. All in favor – Motion carried.

Mr. Veloso moved to recommend to the Board of Selectmen the release of \$9,704.00 from Impact Fee Account 2070-000-086, Corridor – Route 111 Improvements for the Central/ Lowell Rd and Central/Burnham Rd. licenses in accordance with the written request for same from the Town Engineer (please see attached memo from Town Engineer, Elvis Dhima, and dated 05 April 2019).

Motion seconded by Mr. Coutu. All in favor – Motion carried.

Mr. Veloso moved to recommend to the Board of Selectmen the release of \$4,852.00 from Impact Fee Account 2070-000-701, Corridor – Zone 1 Traffic Improvements for the Central / Library Street license in accordance with the

written request for same from the Town Engineer (please see attached memo from Town Engineer, Elvis Dhima, and dated 05 April 2019).

Motion seconded by Mr. Coutu. All in favor – Motion carried.

- VIII. PERFORMANCE SURETIES
- IX. ZBA INPUT ONLY
- X. PUBLIC HEARINGS
- XI. OLD BUSINESS/PUBLIC HEARINGS

- XII. DESIGN REVIEW PHASE

A. Hudson Crossing Conceptual Subdivision CSB# 01-19	161 Lowell Road Map 209/Lot 001
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Purpose of Plan: to subdivide an 88.9 acre lot into a 9.7 acre lot and a 79.2 acre lot.

Presenter: Attorney Thomas J. Leonard of Welts, White and Fontaine, P.C.

Also present to represent the applicant were Mark Pilotte of Dakota Partners, LLC and Karl Dubay of The Dubay Group, Inc.

Note: Mr. Brackett stepped down from the case before the board at 7:20 p.m.

Prior to the applicants presentation Town Planner Groth gave a quick overview of the project status.

Mr. Groth stated that the applicant and town staff have been working closely to resolve outstanding issue in the overall design and that the applicant has accept the suggestions presented by staff in regards to extending Friars Drive and changing the Lowell Road entrance to a Right-In and Right-Out configuration. Mr. Groth added that the meeting tonight was a design review for the purpose of input from planning board and the public he further stated that the only decision tonight would be whether or not to end the design review phase and suggested that a site visit be made by board members as a condition of any such approval. Mr. Groth went on to explain some of the historical aspects of the property speaking specifically about Friars Drive and the intent of someday completing a through connection to Lowell Road.

Mr. Ulery stated that some of the property contained wetlands and asked if there would be any construction within them. Mr. Groth answered that there would be only an impact to the wetland buffer along Friars Drive and that the applicant would require a Wetlands Special Exception from the Zoning Board of Adjustment.

Mr. Ulery asked if an easement would be required to continue Friars Drive to the new parcel. Mr. Groth said the way the design was presented Friars Drive would be extended all the way to the new parcel. Mr. Groth added that the design would eliminate a need for the back parcel to have frontage on Lowell Road as that lots frontage would now be along Friars Drive.

Mr. Collins asked if the improvements to Friars Drive would be such that the road way would be acceptable to the town. Mr. Dhima answered that the roadway would be built to a width of twenty-four feet and likely adopted by the town at some point in the future. Mr. Groth added that the purpose of extending of Friars Drive would help with better traffic management by directing traffic flow out of the proposed complex towards the signalized intersection at Executive Drive and Lowell Road.

Mr. Collins asked if the cost associated with the extension to Friars Drive would be the responsibility of the town. Mr. Dhima replied that all cost for the road work would be the responsibility of the developer. Lastly Mr. Collins asked if there was adequate sewer and water capacity available to handle the demand of this new project. Mr. Dhima answered that there was a significant amount of sewer allocation set aside to handle the proposed project as presented.

Mr. Van der Veen asked if it was fair to assume that the sewer allocation mentioned was set aside for the industrial park. Mr. Dhima stated that it was reserved for industrial and commercial uses. He added that this site was allocated 100,000 gallons per day.

With no other question directed from board members to staff the Chairman welcomed the applicants representative to the podium for their presentation.

B. Hudson Crossing Conceptual Site Plan	161 Lowell Road
CSP# 02-19	Map 209/Lot 001

Purpose of Plan: To develop 71 multi-family apartments and a clubhouse on the newly created 9.7 acre lot under the conceptual subdivision.

Presenter: Attorney Thomas J. Leonard of Welts, White and Fontaine, P.C.

Also present to represent the applicant were Mark Pilotte of Dakota Partners, LLC and Karl Dubay of The Dubay Group, Inc.

Att. Leonard speaking for the applicant at tonight's meeting asked if he could address both the conceptual subdivision plan and conceptual site plan simultaneously as they were both an integral part of the overall design. The

Chairman did not see a problem with the request and stated it made sense to move forward in this fashion.

Att. Leonard addressed the subdivision of land first. He explained that the existing lot of approximately 88.9 acres would be subdivided creating a new 11.2 acre lot within the business district and this new lot would conform to all land use and town regulations. He further stated that the entire project would be confined to the new lot and that there were no plans relating to remaining 77 acres at this time.

Selectman McGrath asked about ownership of the two lots. Att. Leonard stated that the applicant has an agreement to subdivide and acquire the front lot only and that the back lot would continue to be owned by the current land owner.

With no other question on the subdivision of the property Attorney Leonard continued his presentation of the conceptual site plan. He stated that the project was for multi-family rental housing. Att. Leonard added that there would be two residential buildings and a club built in two phases the first phase would be for a 47 residential unit building and the second phase would be for a 32 unit residential building along with the club house he stated that the total number of units to be built would be reviewed by the planning department and that he looked forward to receiving the results of the review. Att. Leonard went on to discuss the Friars Drive extension stating that the 50 right of way would be accessible to the public only up to property rear boundary and that the rest of the roadway running across the new lot to Lowell Road would be a private drive to service the new development until such a time it would be deemed necessary to open it up to the public.

Mr. Ulery asked if the private drive portion of the road way would be built to current town standards. Att. Leonard replied that it would be and that his team and town staff had been working closely together to address the matter.

Attorney Leonard continued his presentation and asked for input on two potential waivers that might be sought to address parking requirements one waiver pertaining to the reduction of parking space width and length and the other being the number of overall parking spaces required. He stated that Dakota Partners has been in the rental field for a long time and have many similar developments around the New England area. In their opinion they found that there is less demand for parking than is usually set forth by local regulations. Att. Leonard added that Dakota Partners would be owner of the project for the foreseeable future and that if the need arose there would be opportunity to add more parking. Att. Leonard went on to mention that certain studies such as noise, fiscal impact and traffic be possibly waived citing that noise would not be a factor from the development and that there would be a significant amount of impact fees paid by the developer. He also mentioned

that traffic would be minimally impacted and that a memorandum would be provided stating so. Lastly Att. Leonard addressed the Wet Lands Special exception that would be required for the project. He stated that a dialog had been started with the Zoning Board and the Conservation Commission and asked that a combined site walk between the Planning Board and Conservation Commission be considered to keep the process moving along. Mr. Ulery added that part of a roadway exist and that the wetland buffer impact would more than likely be minimal. Lastly Att. Leonard touched on density or the total number of unit to be built. He stated that the number of units to be built was appropriate for the acreage of the property and eager to here from to staff.

With the conclusion of Att. Leonard's presentation the Chairman opened the Public Hearing at 7:53 p.m.

Todd Boyer of 156 Lowell Road came forward to provide public input on the matter. Mr. Boyer stated that he was neither for nor against the project. He added that the board should weigh all decisions carefully and not rush the project along. Mr. Boyer stated that the entrance to the site would produce considerable turning traffic and at some point a traffic light would need to be considered he also stated that road itself would need to be widen to handle additional traffic flow. Mr. Boyer reiterated that although the project could be built by right he wanted to make sure that all impacts of the project would be considered carefully and not rushed for the sake of the applicant.

As there were no other members of the public wishing to speak the chairman closed the Public Hearing at 8:00 p.m. and placed the matter before the Board.

Prior to the Board asking questions Att. Leonard asked if he could address the concerns brought forth by Mr. Boyer. There being no objections the chairman granted his request. Att. Leonard stated that a traffic light at the entrance from Lowell Road will always be a consideration and has been viewed as future possibility by both the Town Planner and Town Engineer. Att. Leonard also explained that the building envelope had been pushed back off of Lowell Road an additional 10 plus feet to facilitate any future road work planned by the town.

Selectman Coutu raised concern over whether or not the occupants of the complex heading north on Lowell Road would abide by the proposed entry restrictions and possibly try accessing the property even though a left turn in would not be permitted. He also wanted to know whether or not a triangular island shown on the plan would be a permanent structure. Att. Leonard answered that access back into the complex when traveling north would be from Executive Drive to Friars drive. He further explained that the island Selectman Coutu referred to was designed to allow for flexibility as need arise.

Mr. Ulery asked if there were a possibility of adding a turning lane for the right in and a merging lane for the right out. Att. Leonard assured that traffic from the site would be of minimal impact and added that the engineering staff for both the project and the town would reach an amicable agreement on the intersection design.

Selectman Coutu conclude his input by stating that the proposed right in/right out configuration would cause major problems and would not support such an idea. He however added that he might change his position if convinced otherwise.

Mr. Collins added that although there is a possibility of occupants accessing their property by taking left turns from Lowell Road it could be done safely as there is turning lane at the intersection location. He further added that most traffic in the evening was heading north and that because of the turning lane an illegal turn into property would not hinder traffic flow. The Chairman asked if a traffic study would be appropriate. Mr. Collins stated that the applicant should be able to provide the information that a traffic study would garner and that the towns consulting engineer firm would be able to evaluate their numbers they provide.

Town Engineer Dhima provide some statistical data on current traffic conditions. He stated that 30,000 vehicle per day are noted traveling through the Lowell Road and Pelham Intersection. When originally conceived the applicant had presented the idea of a left turn out of the property but Mr. Dhima thought the left turn out would be dangerous and thought a better way to handle the situation was to have the entrance to the site directed through the light controlled intersection at Executive Drive. He further stated that from last year to present traffic along Lowell Road has increased by 17 percent.

Mr. Collins reiterated that he was not advocating for a left turn out of the site but merely pointing out that somebody deciding to circumvent the proper way of entering the property could do so safely due to the turning lane. He further stated that this should not be a show stopper in regards to the project.

Mr. Dumont concurred with Mr. Collins and further added that Lowell Road traffic issues were not a developer problem but a town problem. He added that the problem will only get worse unless the town is willing to take up the matter and that future development will only compound the issue. Mr. Dumont acknowledged that the currently proposed property entrance seemed to be the best possible solution.

Mr. Ulery mentioned that the road way line of site from the property would have to be presented during site plan review. Att. Leonard replied that conformity to ASHTOO standards would be met. Att. Leonard added that the

applicant would be paying a considerable amount in impact fees to help address future improvements made to the Lowell Road corridor.

Mr. Van der Veen also concurred that the right in and right out access may need more work and also agreed that access from Executive and Friars Drive might be problematic. He further commented on the request of the applicant for possible relief of parking space dimensions and the number of space required by regulations. Mr. Van der Veen added that the 10 foot by 20 foot parking space size was to address vehicle size and that as far as he knew it had never been waived. Mr. Van der Veen went on to agree with Mr. Boyer's assumption that 1.5 parking spaces per unit would not be feasible and that this board should stick to the current regulation of two spots per unit.

Selectman McGrath asked were the back lot would be accessed from. Att. Leonard said that for now the second lot will be accessed from Friars Drive. He went on to say that future access to the lot would be made by changing the private drive status to a full through way of Friars Drive from Lowell Road to Executive Drive. Selectman McGrath suggested that after reviewing the architectural drawings of the proposed buildings it would be nice if some of the design could mimic the look of Nottingham West. Selectmen McGrath then added that although she agreed that a Noise Study might not be necessary she felt a Fiscal Impact Study would be prudent citing that families would be occupying some of the units and their children would more than likely utilize the public school system. Lastly, Selectman McGrath also agreed with other board members that 1.5 parking spaces may not be sufficient and should be reevaluated, she asked if there would be additional parking for guests somewhere on the site.

Mr. Ulery inquired as to snow removal from the parking areas and private drive. He stated that this would have an impact on parking conditions during winter months and would need to be shown on the site plan.

Mr. Collins stated that there seemed to be enough space to facilitate additional parking in the conceptual site plan and asked Att. Leonard if additional spaces could be shown on the final site plan.

Att. Leonard responded by pointing out that there would be an area that could be developed into additional parking but added that the Zoning Board asked that if possible the natural buffer in that area be left intact. He also reiterated that Dakota Partners would most likely do whatever it takes to make the project work. Att. Leonard addressed Selectman McGrath's question regarding whether or not a Fiscal Impact would be needed by stating that the developer would be paying fees related to schools and that the study would be redundant information.

Selectman McGrath, asked if a Fiscal Study wasn't provided would it be possible to get the makeup of family's typically renting in complexes such as

this. She stated that a large influx of children into the school system could be problematic. Lastly Selectman McGrath pointed out that smaller parking spaces such as the 9 foot by 18 foot proposed could be an issue with more individual opting for larger vehicles.

Mr. Veloso reiterated the concerns brought forth by Selectman Coutu agreeing that further design review of the Lowell Road entrance should be considered and that a Traffic Study might be required.

Mr. Veloso asked that Staff present if there was a regulation requiring installation of an elevator. Town Planner Groth deferred the question to the Att. Leonard who answered that all ADA rules and regulations would be followed, he went on to say that the developer was working closely with the NH Housing Authority and that if they felt it was an issue it would be brought forth.

Mr. Ulery asked what portion of the rental units would be set aside as Work Force Housing. Att. Leonard was not sure at time.

Mr. Dumont asked if this complex would be similar to one built on Marshall Street and E. Hollis Street in Nashua. Att. Leonard answered that he was not familiar that development. He suggested that anybody from the Board could drive by a Dakota Project up in Bedford NH.

Mr. Collins asked if the monthly rental costs would meet state regulations in regards to work force housing and what percentage would of the units built would meet the requirements. Att. Leonard responded by stating the Dakota Partner developments tend to have a higher number of units meeting the work force housing requirements usually set by communities.

With no other questions posed by board members the Chairman thanked Att. Leonard for his presentation.

The Chairman stated that the next discussion would be whether or not to conclude the design review phase or to wait until a coordinated site walk with Conservation Commission and Zoning Board could be accomplished.

Mr. Collins stated that the applicant had already appeared before the ZBA and know before the Planning Board. He went on to say that the only question was total number of units to be built and that the town's consulting engineering firm should be able to clarify that.

Town Planner Groth suggested that the Design Review could be conclude tonight pending a site visit date to be determined. He added that the site visit could be accomplished prior to the next Planning Board meeting and felt it was important for the board to take the lead in the matter. With no objections

a date and time of May 8, 2019 at 5:00 p.m. was set. Members will meet at the Friars Drive entrance to the property.

Mr. Ulery stated that the design review phase for the project could be conclude at the next meeting. Mr. Collins suggested ending the design review phase tonight with the exception being that a site walk would have to be completed as a condition for such a motion.

Selectman McGrath stated that the motion was contrary to what staff had recommended and asked that her opinion be on record stating so. Mr. Groth responded stating that this was an appropriate way to handle the conclusion of the design review and it really didn't make a difference at this time. He went on to say that the town does not have any regulations in place to address this issue.

Mr. Dumont asked if the amendment to the motion was added to the motion, Mr. Collins stated that the time and date would be added to the motion.

Selectman Coutu commented that he would be voting in opposition. He stated that any vote by the board should be done on camera, not during the site visit. Town Planner Groth replied that the current motion on the floor was to conclude the design review tonight and that no vote would be taken during the site visit.

With no other discussion the Chairman polled the board on the motion.

Mr. Collins moved to end the Design Review Phase for 161 Lowell Road, pursuant to RSA 676:4, I (d) and RSA 676:12, VI with the exception of a site walk by the Planning Board to be held May 8, 2019 at 5:00 p.m.

Motion seconded by Mr. Van der Veen. Motion carried -5/1/0

Board members will meet at the Friars Drive entrance to the property located which is located off of Executive Drive.

Note: Mr. Brackett was reseated at 8:48 p.m.

XIII. NEW BUSINESS/PUBLIC HEARINGS

Roadway Width Regulation Amendments, the intent of the changes are to reduce paved roadway widths from 28 feet to 24 feet as noted below. The changes will reduce costs associated with repair, maintenance and snow removal and help reduce the amount of impervious surfaces throughout the community. Discussion on this matter has been taken up at previous PB meetings and has the full support of the Town Engineer and Public Works Director.

A. Regulation Amendment: §289-18.B. Cul-de-sac Roads

The amendment proposes reducing the required roadway width of newly constructed cul-de-sac roads from 28 feet to 24 feet.

B. Regulation Amendment: §289-28. Requirements (paved roadway width)

The amendment proposes reducing the required roadway width of newly constructed residential streets, service streets and access streets of 1,000 feet in length or less from 28 feet to 24 feet.

Mr. Van der Veen moved to adopt the regulation amendments, as presented, to 289-18.B (1) and 289-28.B (2) and continue the pre-hearing review of the proposed amendment to the Hudson Land Use Regulations, date specific, to the May 8, 2019 Planning Board meeting.

Motion seconded by Mr. Veloso. All in favor – Motion carried.

XIV. OTHER BUSINESS

A. Capital Improvement Plan Update

Town Planner Groth mentioned that he had received feedback from the Benson Park Committee and the Engineering department. He added that the Police Department, Town Administration and possibly School Board would be providing input for the update soon.

XV. ADJOURNMENT

Motion to adjourn by Mr. Dumont. Seconded by Mr. Veloso. All in favor – motion carried.

Meeting adjourned at 8:52 p.m.

William Collins
Secretary